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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,992	07/10/2002	Jonathan Sharp	042933/302069	3264

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EXAMINER

PHUONG, DAI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/089,992	SHARP, JONATHAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dai A. Phuong	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwata et al. (Pub. No: 20030008679).

Regarding claim 1, Iwata et al. disclose a portable device comprising: a body 1 (fig. 1 and fig. 2, [0150] to [0154]); a cover 7 having a closed position for at least partially covering the body and an open position (fig. 1 and fig. 2, [0152] to [0156]). Specifically, Iwata et al. disclose in the cover closed status (FIG. 1), mechanism wise, the appearance becomes a mobile telephone, telephone keyboard 6 can be used, and only the bottom part of liquid crystal display 4 is exposed, and only the exposed part can be used); a display 20 (fig. 1 and fig. 2, [0150] to [0154]); and a multifunctional key 6 accessible when the cover is in the closed position (fig. 1 and fig. 2, [0152] to [0156]). Specifically, Iwata et al. disclose in the cover closed status (FIG. 1), mechanism wise, the appearance becomes a mobile telephone, telephone keyboard 6 can be used), wherein: the function of the multifunctional key is dependent upon the state of the device (fig. 1 and fig. 2, [0154] to [0156]), and for at least one state of the device, operation of the key controls provision of information on the display (fig. 1 and fig. 6, [0169] to [0171]).

Specifically, Iwata et al. disclose touching the scroll buttons ".DELTA." and ".gradient." on the top and the bottom in scroll area 29 allows the hidden information to appear on the screen and also disclose when a desired function is touched and selected from the menu, the function is activated and data is displayed on content area 27).

Regarding claim 2, Iwata et al. disclose all the limitations in claim 1. Further, Iwata et al. disclose a device wherein the display 20 comprises a portion 4 which is visible when the cover 7 is in the closed position (fig. 1 and fig. 2, [0153] to [0156]), and operation of the key controls the provision of information on the portion of the display visible when the cover is in the closed position (fig. 1 and fig. 2, [0154] to [015]).

Regarding claim 3, Iwata et al. disclose all the limitations in claim 1. Further, Iwata et al. disclose a device which comprises a receiver 23 (fig. 3, [0158] to [0160]).

Regarding claim 4, Iwata et al. disclose all the limitations in claim 3. Further, Iwata et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a message, operation of the key controls the provision of information corresponding to the message (fig. 11, [0185] to [0186]).

Regarding claim 5, Iwata et al. disclose all the limitations in claim 3. Further, Iwata et al. disclose a device wherein, when the device is in a state corresponding to the receipt of a missed call, operation of the key controls the provision of information corresponding to the missed call (fig. 11, [0185] to [0186]).

Regarding claim 6, Iwata et al. disclose all the limitations in claim 1. Further, Iwata et al. disclose a device which comprises a transmitter 23 (fig. 3, [0158] to [0160]).

Regarding claim 7, Iwata et al. disclose all the limitations in claim 6. Further, Iwata et al. disclose a device wherein, when the device is in an idle state, operation of the key controls the provision of information corresponding to the last number dialed (fig. 12, [0188] to [0193]).

Regarding claim 9, Iwata et al. disclose all the limitations in claim 1. Further, Iwata et al. disclose a device wherein operation of the key is a single actuation (fig. 12, [0188] to [0193]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al. (Pub. No: 20030008679) in view of Kim (U.S. 6519475).

Regarding claim 8, Iwata et al. disclose all the limitations in claim 6. However, Iwata et al. do not disclose a device arranged for coupling to a headset, and when the device is in a headset coupled state, operation of the key controls the provision of information corresponding to the last number dialed.

In the same field of endeavor, Kim discloses a device arranged for coupling to a headset, and when the device is in a headset coupled state, operation of the key controls the provision of information corresponding to the last number dialed (col. 3, lines 48-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the telephone of Iwata et al. by specifically including a device

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arranged for coupling to a headset, and when the device is in a headset coupled state, operation of the key controls the provision of information corresponding to the last number dialed, as taught by Kim, the motivation being in order to provide the operational mode of the mobile phone to change from the telephone mode to the idle mode in response to the second mode signal.

### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2688  
Date: 03-16-2006

  
ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER